

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WORLD NET COMPANIES, INC..

A Florida corporation.

Plaintiff,

CASE NO. 00-6026
CIV - FERGUSON

v.

KLELINE, a Limited Company,
a corporation incorporated under the laws
of France; ABDALLAH HITTI, individually,
AYHUB HITTI, individually,
BANQUE PARIBAS S.A., a banking
corporation incorporated under the laws of
France; OCRAM EST., a Liechtenstein
corporation; and MICHAEL BENDE.
individually.

Defendants.

REPLY TO PLAINTIFF'S MEMORANDUM OF LAW
IN OPPOSITION TO DEFENDANT MICHAEL
BENDE'S MOTION TO DISMISS

COMES NOW, the Defendant, MICHAEL BENDE, by and through undersigned counsel and hereby files this Reply to Plaintiff's Memorandum of Law in Opposition to Defendant, Michael Bende's Motion to Dismiss and would state as follows:

1. That the Plaintiff's Memorandum is an exercise in misdirection. Plaintiff's Memorandum argues that it is the issue of citizenship and not residence which controls for the purposes of diversity jurisdiction.

2. Plaintiff's position fails for two reasons. First, Plaintiff's position completely ignores the allegations of its own Complaint, and in particular Paragraph 2 which states "complete diversity of citizenship exists between Plaintiff and all Defendants except Michael Bende, individually, who lives in Boca Raton, Florida, but operates through his alter-ego, Defendant Oram, from Lichtenstein".

3. Diversity of jurisdiction requires complete diversity, not "almost" complete diversity. As Plaintiff's own allegations show that diversity of citizenship does not exist, this Court lacks jurisdiction and the Complaint must be dismissed.

4. Alternatively, should this Court determine that it is the issue of citizenship that needs to be addressed, then Plaintiff's Complaint still must fail. The Plaintiff does not allege that Mr. Bende is a citizen of anything other than the United States who resides in Boca Raton, Florida. The Plaintiff's position is that the state citizenship and domicile is the issue that should control, then the Plaintiff should have alleged where it believes Mr. Bende is a citizen of. As Plaintiff has failed to do so, Plaintiff has failed to set forth a proper basis for this Court to exercise diversity jurisdiction and once again the Complaint must be dismissed.

5. Based on all of the foregoing, Defendant hereby requests this Court enter an Order dismissing the Complaint.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 16 day of May, 2000 to: John C. Rayson, Esquire, Attorney for Plaintiff, 2400 East Oakland Park Boulevard, Ft. Lauderdale, Florida 33306.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

FURR AND COHEN, P.A.
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By


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